

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 18-CR-684 (ENV)
Plaintiff, :
-against- : United States Courthouse
SCOTT BRACK AND ELGIN BRACK, : Brooklyn, New York
Defendants. : Thursday, March 14, 2019
- - - - -X : 11:30 a.m.

TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE
BEFORE THE HONORABLE ERIC N. VITALIANO
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

For the Government: RICHARD P. DONOGHUE, ESQ.
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
BY: PHILIP A. SELDEN, ESQ.
Assistant United States Attorney

For the Defendant STEVE ZISSOU & ASSOCIATES
Scott Brack: 42-40 Bell Boulevard
Suite 302
Bayside, New York 11361
BY: STEVEN ZISSOU, ESQ.

For the Defendant LAW OFFICES OF JOEL M. STEIN
Elgin Brack: 30 Wall Street
8th Floor
New York, New York 10005
BY: JOEL M. STEIN, ESQ.

Court Reporter: DAVID R. ROY, RPR
225 Cadman Plaza East
Brooklyn, New York 11201
drroyofcr@gmail.com

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1 (In open court.)

2 THE COURTROOM DEPUTY: All rise.

3 Court is now open. The Honorable --

4 MR. ZISSOU: Judge, how are you, Steven Zissou.

5 Nice to be here again.

6 THE COURTROOM DEPUTY: I have to do my thing.

7 MR. ZISSOU: Sorry.

8 THE COURT: I'm sorry to see you are all by
9 yourself --

10 THE COURTROOM DEPUTY: -- the Honorable Eric N.
11 Vitaliano presiding. Case on calendar is USA versus Elgin
12 Brack and Scott Brack. The case number is 18-CR-684 on for
13 a status conference.

14 Would the attorneys please note their appearance,
15 beginning with Government counsel.

16 MR. SELDEN: Good morning, Your Honor. On behalf
17 of the United States, Assistant United States Attorney Phil
18 Selden. Good morning.

19 THE COURT: Good morning.

20 MR. STEIN: Good morning, Your Honor, Joel Stein
21 for Elgin Brack.

22 THE COURT: Good morning, Mr. Stein.

23 MR. ZISSOU: Judge, Steven Zissou appearing at
24 your deputy's request standing by for whatever Your Honor
25 has in mind for me today.

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1 THE COURT: Well, we had in mind you representing
2 Mr. Scott Brack, but we had a snafu here this morning.

3 MR. ZISSOU: That's what I understand, but that's
4 quite all right. I'm happy to visit him at the place of
5 detention. I'll do so forthwith.

6 THE COURT: Mr. Selden, why don't you try to catch
7 us up to the date --

8 MR. SELDEN: Absolutely.

9 THE COURT: -- with all the activity in this very
10 short period of time?

11 MR. SELDEN: Of course, Your Honor.

12 THE COURT: Thank you.

13 MR. SELDEN: And as an initial matter, Your Honor,
14 I want to apologize to the Court and Mr. Zissou, most
15 importantly to Mr. Elgin Brack and his counsel that
16 Mr. Scott Brack is not present this morning. Last night when
17 I learned that prior counsel for Mr. Scott Brack had a
18 family emergency, we had cancelled the come-up for Mr. Scott
19 Brack. So my apologies to the parties, as well as to the
20 Court. I want to take responsibility for that.

21 Your Honor, with regards to the matter here today,
22 Mr. Zissou and Mr. Stein have now received a summary letter.
23 The summary letter includes each one of the Government's
24 discovery letters in order to bring them up to speed.

25 In addition, the Government has had and prepared

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1 protective agreements that both Mr. Zissou, as well as
2 Mr. Stein have signed on behalf of their clients, and we
3 have tendered those to the Court's deputy.

4 Your Honor, moving forward, it's my understanding
5 that both Mr. Zissou and Mr. Stein wish to get up to speed
6 including reviewing the seven prior discovery productions
7 and as a result, have proposed, with the Court's permission,
8 a date of April 26, 2019, at 10:00 a.m. And we will enter
9 into an order of excludable delay until that date and time.

10 Thank you, Your Honor.

11 THE COURT: Gentlemen?

12 MR. STEIN: I have nothing to add to that, Judge.

13 MR. ZISSOU: Judge, obviously --

14 THE COURT: And nothing to detract, I assume?

15 MR. STEIN: I didn't check his punctuation.

16 MR. ZISSOU: Judge, obviously, I have not seen the
17 discovery material, but I have no reason to doubt
18 Mr. Selden's representation that it is voluminous. Should I
19 feel differently once I review it, I'll certainly let
20 the Court know. But I have no objection to the entry of an
21 order of excludable delay.

22 THE COURT: All right. Well, and we will also
23 excuse Mr. Scott Brack's presence today because of the
24 confusion over counsel. We had appointed at Mr. Brack's
25 request, I guess just last week, new counsel.

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1 Unfortunately, his mother is -- assuming she did not pass
2 yesterday, is in a very serious situation out of town. So
3 we -- given the speed with which we are moving on counsel,
4 it made more sense. And we thank you, Mr. Zissou, for being
5 available as quickly as you were to just replace that
6 counsel to keep the case moving as quickly as we could with
7 respect to both the defendants than to wait for the family
8 circumstances and that counsel's family to clear up to allow
9 him to participate. So we appreciate you being here.

10 Hearing no objection to the April 26th date --
11 that is a Friday?

12 THE COURTROOM DEPUTY: That's a Friday, yes.

13 THE COURT: And is that 10:00?

14 THE COURTROOM DEPUTY: Yes, Judge, 10:00 a.m.

15 THE COURT: We will indeed go over to Friday,
16 April 26th at 10:00 a.m. for a status. The time will be
17 excluded to give surety of continuity of counsel for both
18 defendants who have now acquired new counsel and those
19 attorneys need to get up to speed to be able to understand
20 the case and to discuss it with their respective clients and
21 to develop strategic decisions going forward.

22 So for all of those reasons without the objection
23 of any party, we will adjourn indeed the status conference
24 to April 26th, exclude the time in the interim in the
25 interest of justice.

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1 So we will see you on April 26th.

2 MR. STEIN: Good day.

3 THE COURT: Anything further from me?

4 MR. ZISSOU: No, Your Honor.

5 MR. SELDEN: No, Your Honor.

6 THE COURT: All right. So we will see you in
7 April.

8 MR. SELDEN: Thank you. May we be excused,
9 Your Honor?

10 THE COURT: You are excused.

11 MR. SELDEN: Thank you very much, Your Honor.
12 (Matter concluded.)

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19 *I (we) certify that the foregoing is a correct transcript*
20 *from the record of proceedings in the above-entitled matter.*

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/s/ David R. Roy
DAVID R. ROY

2nd Day of August, 2019
Date

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